

# Facsimile Transmission



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 Facsimile: (202) 626-1700  
 rjmoran@jonesday.com

705 MAR 18 PM 4:17

March 18, 2005

Please hand deliver the following facsimile to:

Name/Company:	Facsimile Number:	Telephone Number:
Ms. Patricia A. Small (USPTO, Office of Patent Publication)	703-746-4272	703-305-0333

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From: Ricardo J. Moran, Ph.D.

Direct Telephone No.: 202-879-5402

JP No.: JP008326

CAM No.: 405916-999034

Send copies to:

Number of pages (including this page): 7

Re: In re Application of: Vogel  
 Appl. Ser. No.: 09/528,989  
 Filed: March 20, 2000  
 For: Injectable and Swellable Microspheres for Tissue Bulking

**NOTICE:** This communication is intended to be confidential to the person to whom it is addressed, and it is subject to copyright protection. If you are not the intended recipient or the agent of the intended recipient or if you are unable to deliver this communication to the intended recipient, please do not read, copy or use this communication or show it to any other person, but notify the sender immediately by telephone at the direct telephone number noted above.

Message:

Dear Ms. Small,

Further to our telephone conversation this afternoon, attached please find copies of the papers filed in support of the addition of Richard Thomas as an inventor in the captioned application.

Regards,

Ricardo J. Moran

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

DocID

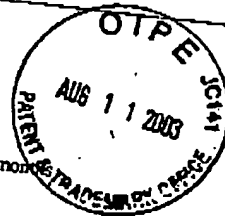
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Hand Carried - 8/11/03  
 Serial No. 09/528,989  
 Inventor J. VOGEL et al.  
 For **INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING** Filed 3/20/00

<input type="checkbox"/> Affidavit/Declaration	<input type="checkbox"/> Fee Address Indication Form
<input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Response	<input type="checkbox"/> Fee Calculation
<input type="checkbox"/> Application pages	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Claims Drawing Sheets	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Assignment <input type="checkbox"/> Cover Sheet	<input type="checkbox"/> Oral Hearing Request/Confirm
<input type="checkbox"/> Brief (in triplicate)	<input checked="" type="checkbox"/> Petition to Extend Time 3 months
<input type="checkbox"/> Declaration & Power of Attorney	<input type="checkbox"/> Petition Under 37 C.F.R.
<input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy	<input type="checkbox"/> Power of Attorney
<input checked="" type="checkbox"/> Declaration of Inventors	<input type="checkbox"/> By Assignee <input type="checkbox"/> Associate <input type="checkbox"/> w/Revocation
<input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy	<input type="checkbox"/> Request for Correction of Filing Receipt
<input type="checkbox"/> Design Application	<input type="checkbox"/> Sequence Listing w/ Computer Readable and Paper Copy
<input type="checkbox"/> Disclaimer <input type="checkbox"/> Disclaimer Fee	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Disclosure Statement <input type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Status Letter
<input type="checkbox"/> w/refs. <input type="checkbox"/> w/o refs.	<input type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Drawings, Formal Sheets Figures	<input checked="" type="checkbox"/> Fee By Deposit Account 16-1150

Other: Request for Correction of Inventorship; Petition and Statement in Support of Correction of Inventorship; Consent By Assignee to Correction of Inventorship; Exhibit A;  
 File no.: 9676-292

Sender: AMI/BGZ/zmb



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Filed: March 20, 2000

For: INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE BULKING

Group Art Unit: 1617

Examiner: L. WELLS

Attorney Docket No.: 9676-292

REQUEST FOR CORRECTION OF INVENTORSHIPCommissioner for Patents  
PO BOX 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request that the inventive entity of the present application be amended to add Richard THOMAS as an inventor.

The inventive entity of the present application was set forth in error in the "DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION," executed on November 7 & 22, 2000 and filed on November 28, 2000. The error arose without any deceptive intention either on the part of the named inventors therein or on the part of Mr. Richard Thomas.

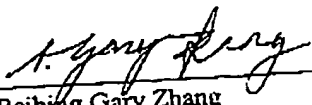
Pursuant to 37 C.F.R. § 1.48(a), Applicants submit herein the following documents:

- (1) A statement by Mr. Thomas;
- (2) A declaration by the actual inventors;
- (3) A written consent by assignee BioSphere Medical, Inc..

A fee of \$130.00 is believed due for this submission, pursuant to 37 C.F.R. §§ 1.48(a)(4) & 1.17(i). Please charge the required fee to Pennie & Edmonds LLP's Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date

August 11, 2003  
Beibing Gary Zhang 47,331  
(Reg. No.)

For: Anthony M. Insogna (Reg. No. 35,203)

PENNIE & EDMONDS LLP  
1667 K Street, N.W.  
Washington, D.C. 20006  
(202) 496-4400

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Filed: March 20, 2000

For: INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE  
BULKING

Group Art Unit: 1617

Examiner: L. WELLS

Attorney Docket No.: 9676-292

PETITION AND STATEMENT IN SUPPORT OF  
CORRECTION OF INVENTORSHIP UNDER 37 § 1.48(a)Commissioner for Patents  
PO BOX 1450  
Alexandria, Virginia 22313-1450

Sir:

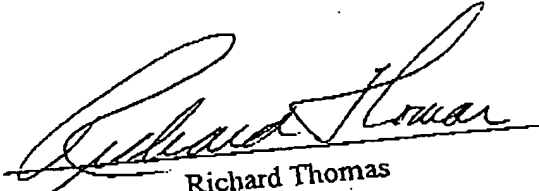
LINCOLN, MA 01773  
I, Richard Thomas, a citizen of the United States, residing at 190 LINCOLN RD, Needham Heights, MA 02478, respectfully request, pursuant to 37 C.F.R. § 1.48(a), that the inventorship of the above-identified application be corrected to add my name as a co-inventor.

8/8/03

My name was omitted from the executed "DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION," filed on November 28, 2000 through error. The error occurred without any deceptive intention on my part.

Date

8/8/03

  
Richard Thomas

Aug-08-2003 01:05pm From-Ciphargen Biosystems Inc

T-650 P.002/003 F-075

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on (if applicable)
- ☒ was filed in the United States on March 20, 2000 as Application No. 09/528,989 with amendments filed on November 28, 2000, August 27, 2001, March 25, 2002, and Response to Restriction Requirement on November 28, 2002
- ☐ was filed as PCT International Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understood the contents of the above identified application, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority/benefit under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

certificates listed below and have also indicated the date of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES <input type="checkbox"/>	NO <input type="checkbox"/>
			YES <input type="checkbox"/>	NO <input type="checkbox"/>
			YES <input type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of my United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

For use only when the application is assigned to a company, partnership or other organization.

(1)

DOI: 352018-1

Aug-08-2003 01:05pm From: Ciphargen Systems Inc.

T-650 P.003/003 F-075

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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FULL NAME OF INVENTOR	LAST NAME <b>VOGEL</b>	FIRST NAME <b>Jean-Marie</b>	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY <b>Lincoln</b> <b>Massachusetts</b>	STATE OR FOREIGN COUNTRY <b>MA</b>	COUNTRY OF CITIZENSHIP <b>France</b>
POST OFFICE ADDRESS	STREET <b>5 Oak Meadow</b> <b>Belmont Road</b>	CITY <b>Lincoln</b> <b>Belmont</b>	STATE OR COUNTRY <b>MA</b>
SIGNATURE OF INVENTOR <b>Jean-Marie Vogel</b>			DATE <b>7 AUGUST 2003</b>

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0  
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FULL NAME OF INVENTOR	LAST NAME <b>DOSCHETTI</b>	FIRST NAME <b>Egisto</b>	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY <b>CROISSY</b> <b>France</b>	STATE OR FOREIGN COUNTRY <b>France</b>	COUNTRY OF CITIZENSHIP <b>France</b>
POST OFFICE ADDRESS	STREET <b>11, RUE COTE BEUGR</b> <b>91120 Croissy</b>	CITY <b>CROISSY</b> <b>France</b>	STATE OR COUNTRY <b>France</b>
SIGNATURE OF INVENTOR <b>Egisto Doschetti</b>			DATE <b>8 August 2003</b>

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FULL NAME OF INVENTOR	LAST NAME <b>THOMAS</b>	FIRST NAME <b>Richard</b>	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY <b>LINCOLN</b> <b>Massachusetts</b>	STATE OR FOREIGN COUNTRY <b>MA</b>	COUNTRY OF CITIZENSHIP <b>USA</b>
POST OFFICE ADDRESS	STREET <b>190 LINCOLN Rd</b> <b>556 Franklin Road</b>	CITY <b>LINCOLN</b> <b>Belmont</b>	STATE OR COUNTRY <b>MA</b>
SIGNATURE OF INVENTOR <b>Richard Thomas</b>			DATE <b>8/8/03</b>

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FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
SIGNATURE OF INVENTOR			DATE

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FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
SIGNATURE OF INVENTOR			DATE

(2)

DCI:35262.1

TOTAL P.02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Group Art Unit: 1617

Filed: March 20, 2000

Examiner: L. WELLS

For: INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE BULKING

Attorney Docket No.: 9676-292

**CONSENT BY ASSIGNEE TO CORRECTION OF INVENTORSHIP**COMMISSIONER FOR PATENTS  
PO BOX 1450  
Alexandria, Virginia 22313-1450

Sir:

BioSphere Medical, Inc., a Delaware Corporation having an address at 1050 Hingham Street, Rockland, MA 02370, and owner of the entire right, title and interest in, to and under the invention and U.S. patent application serial no. 09/528,989, filed March 20, 2000 and identified by Pennie & Edmonds LLP docket no. 9676-292, entitled "INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING," hereby consents to amendment of said application to add the following actual inventor: Richard Thomas.

BioSphere Medical, Inc. certifies that it is the assignee of the entire right, title and interest in, to and under U.S. patent application Serial No. 09/528,989, pursuant to an assignment executed by Jean-Marie VOGEL and Egisto BOSCHETTI, the presently named inventors of the application, which was recorded on December 6, 2000 at Reel 011335, Frame 0117, in the Assignment Division of the U.S. Patent and Trademark Office. A copy of that Assignment, together with the Notice of Recordation of Assignment Document issued by the Office, is attached hereto as Exhibit A.

The undersigned has reviewed all of the documents in the chain of title of Application Serial No. 09/528,989 and believes, to the best of undersigned's knowledge, that the title is in BioSphere Medical, Inc. The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

The undersigned further states that he has authority to act on behalf of BioSphere Medical, Inc.

BioSphere Medical, Inc.

Date

Aug 7, 2003

By:

Jonathan R. McGrath

Vice President, Worldwide Research &amp; Development